

hundred medical conceptions of insanity. To practically every man will the word "insanity" carry a connotation differing from that to every other. But to the law the fact that a man is insane is as indifferent as that he has a broken leg. The doctor with his patient is wholly occupied with his condition and how best to remedy it, irrespective of how others may be affected; the law is concerned with how he will perform his duties toward others, and insist on his own rights, but is wholly indifferent to his condition of health in itself.

"If it should happen that a Judge were to be called in by a medical man to assist in the treatment of an insane man, he would necessarily follow out the methods of medical treatment. And so where a medical man is called upon to assist in the administration of the law, he must adapt himself for that occasion to the principles of the law. Neither Judge nor lawyer need, while assisting in the province of the other, abandon the views he holds in his own province, nor does he. To the medical man the insane person is a sick man to be treated for his disease, and it is a matter of indifference whether he is a criminal or not; to the Judge it is a matter of indifference whether a prisoner or a litigant be insane or not, the question is, is he capable of making a contract, is he responsible for his acts?"¹

There are, as a rule, only three cases in which want of mental capacity will come in question: responsibility for crime, capacity to make a will, and capacity to enter into a contract. Curiously enough, it is only in the first that we find medical men finding fault with the law. In the other cases I have never seen or heard of any complaint. Nor has there been any complaint that those supposed to be insane are civilly liable in damages for their acts, just as one who unintentionally struck another would be. It is only when responsibility criminally for acts comes in question that we find any collision of views; and that I ven-

¹ The quotation is from an article of my own, written at the request of the Honourable the Provincial Secretary, but at the instance of my dear friend, Dr. Bruce Smith. When Bruce Smith died, Ontario lost a useful and faithful public servant, the medical profession an ornament, I, in common with many of you, an interesting and delightful friend.

The article is headed "Insanity in its Legal Aspects," and will be found in the *Bulletin of the Ontario Hospitals for the Insane*, Vol. V, No. 2, January 1912, pp. 3-10. I would invite the attention of the profession to the treatment of the subject in that article. My medical friends must not take offence if I say to them that they cannot and should not segregate themselves from the rest of the community. When a Judge has appendicitis he receives the same treatment and is carved with the same knife as any other "layman"; the lawyer does not expect a doctor to treat him differently in medicine from anyone else. Why should a medical man, where he is a "layman"—that is, in law—expect different treatment or a different rule from any other layman? *Esprit du corps*, pride in our profession, are good things; but they must not be allowed to degenerate into claims of special rights and privileges.